

MINUTES
RANDOLPH COUNTY PLANNING BOARD
July 8, 2003

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, July 8, 2003, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Maxton McDowell** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Larry Brown, present; Phil Ridge, present; and Chris McLeod, present.
3. **Craven** made the motion, seconded by **Brown**, to approve the minutes of the June 3, 2003, Randolph County Planning Board meeting. The motion passed unanimously.
4. **Swearing in of the Witnesses:**

"Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

Seven people took this oath.

5. **SPECIAL USE PERMIT REQUESTS:**

- A. **SBA NETWORK SERVICES, INC.**, Charlotte, North Carolina, is requesting a Special Use Permit to allow the construction of a 192' monopole wireless communication tower and facility for AT&T on 20.37 acres located on Flinchum Farm Road, Sandy Creek Watershed, Liberty Township, Zoning District RA, Tax ID# 8705296225. Property Owner: John B. & Sherry Farster.

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as it meets all standards of the Unified Development Ordinance.

Henry Campen, Attorney representing AT&T, said that AT&T had two matters on the agenda. Campen said that the application and testimony would prove that all of the requirements of the Randolph County Unified Development Ordinance have been met. Campen introduced Fred Womble, Engineer; Gilbert Ningo, Engineer; and Harold Brubaker, Appraiser, as their expert witnesses. Campen presented affidavits from his expert witnesses.

Fred Womble, Engineer, explained that the proposed tower would not substantially injure the safety and welfare of the public. Womble said that the site plan filed indicates that there are no residences within the fall zone of the proposed tower. Womble said that the tower would be in harmony with the area. The parent parcel is zoned RA and the site is approximately 400 feet off the road. Womble said that all property owners within the subdivision have given consent for this proposed tower. Womble said this document has been filed in the Register of Deeds Office in Randolph County. **Brown** asked Womble if this was their first choice for location, and **Womble** said he wasn't sure that it was the first but it was the best choice. **Brown** asked about the MSL and **Gilbert Ningo** said that this was the only area appropriate for the MSL level required.

Harold Brubaker, appraiser, said that the tower would not substantially endanger adjoining property values and would be in harmony with the area. Brubaker described in detail his research and analysis. Brubaker provided his report as evidence. **Dorsett** asked Brubaker if he had talked to anyone that said a tower would negatively impact their property value and **Brubaker** answered no. **Dorsett** said that the County Planning Board has had many meetings where there were people in opposition to towers. **Brubaker** said that he has only talked to those people that live near an existing tower. **Dorsett** said that he could introduce **Brubaker** to property owners that are opposed to an existing tower at their residence because of the blinking light. **Campen** said that there will not be any lighting on this tower.

There was no one present in opposition to this request.

Dorsett said that he does not oppose this tower and that he felt both of the tower locations proposed for this meeting were good locations. Dorsett said he just didn't feel that the appraisal report provided evidence that existing residents near proposed tower sites felt a cell tower would not negatively impact their property values.

Brown made the motion, seconded by **Craven**, to approve this request. The motion passed unanimously.

- B. **WIN GROUP**, Charlotte, North Carolina, is requesting a Special Use Permit to allow the construction of a 192' monopole wireless communication tower and facility for AT&T on 84.10 acres located on County Land Road, Franklinville Township, Zoning District RA, Tax ID# 7772471980. Property Owner: Randolph County.

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as it meets all standards of the Unified Development Ordinance.

Henry Campen, representing AT&T, presented the Board with evidence to enter into the record and said for the interest of time he would answer any questions that the Board may have but would not take up any time not necessary.

Brown asked if this was on a hill, and **Craven** said this was the highest point of the County Landfill property.

There was no one present in opposition to this request.

Craven made the motion, seconded by McLeod, to approve this request for a Special Use Permit. **Brown** voted against the motion. The motion passed by a vote of 5 to 1.

- C. **KENNETH & JEANE COLLINS**, Liberty, North Carolina, are requesting a Special Use Permit for a rural family operation of a gift shop in an existing 27' x 32' building at their residence located at 5700 Julian Airport Road, 1.02 acres, Sandy Creek Watershed, Liberty Township, Zoning District RA, Tax ID# 8708706808.

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with the rural business activity in the area.

Collins explained that they wanted to have a small gift shop at their residence and eventually move the business to a commercial area. Collins said that it would only be a small business for her and her husband. Collins said that the traffic would be from the community.

There was no one present in opposition to this request.

Dorsett made the motion, seconded by **Craven**, to approve this request for a Special Use Permit. The motion passed unanimously.

- D. **MARGARET MOFFITT**, Ramseur, North Carolina, is requesting a Special Use Permit for a rural family occupation to obtain an automotive dealer's license with a 5-car display lot at her residence located at 4992 Old Coleridge Road, 2.58 acres, Coleridge Township, Zoning District RR, Tax ID#'s 8618996445 and 8618994335.

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved with the condition that the cars must be stored at the rear of the property (no storage in the front yard).

Moffitt was present and explained her desire to obtain an automotive dealer's license. **Moffitt** said that she would have only 2 vehicles displayed at the road and the three other vehicles would be at the rear of the residence. **Moffitt** said that they have lived at the location for 12 years. **Moffitt** said that this will be a part-time business. **Moffitt** said there will be no repairing of vehicles at this location.

Christie Frazier, adjoining property owner, asked if there will be any additional buildings located on the property. **Moffitt** answered that the office would be in an existing building. **Frazier** asked about hours of operation, and **Johnson** explained that the special use permit would be for a small business that would not have a substantial impact. **Johnson** said that she would be held to what she has explained to this Board, and if the business expands she would be in violation of her permit. **Brown** explained that a 5-car limit would not create noticeable traffic to the area. **Frazier** expressed concern of the added traffic.

Craven made the motion, seconded by **Brown**, to approve this request for a Special Use Permit. The motion passed unanimously.

6. REQUESTS FOR PROPERTY REZONING:

- A. **MARTHA HUDSON**, Ramseur, North Carolina, is requesting that 10.59 acres (out of 88.36 acres) located on Young Road, Grant Township, be rezoned from RA to CVOR-CU. Parcel ID# 7790895302. The proposed Conditional Use Zoning would specifically allow the development of a 10-lot subdivision for Class-A double-wide mobile homes on permanent masonry foundations, modular homes, or site-built homes.

Johnson explained that as a result of the Neighborhood Information Meeting, the applicant has changed her original request from a proposed mobile home park to a proposed subdivision for double-wide mobile homes, modular homes, and site-built homes.

The Technical Review Committee met to review this request and recognized the County Commissioners had set a housing pattern precedence along Young Road when they approved the site-built residential subdivision, Pine Meadows. Manufactured housing would not be consistent with this housing pattern in the community. The Technical Review Committee recommended to the County Planning Board that this request be denied as not compatible with the major subdivisions in the area.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

- Policy 6.5** *The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.*
- Policy 6.12** *Factors to be considered in major subdivision approval in Primary and Secondary Growth Areas will include suitability of soils, access to major thoroughfares, the potential availability of public services and facilities and community compatibility.*
- Policy 8.2** *Public involvement is encouraged in decisions on land use and development by making the public aware of proposed developments at the earliest opportunity, and fostering communication between the development industry, the public and Randolph County government.*

Jerry King, surveyor, was present and explained Hudson's intention to develop her property. At the request of the Planning Board (last month), King provided the Board with a sketch plan of the maximum number of lots that Hudson could get on the entire 88 acres. King said that Hudson is planning to sell 3 tracts to adjoining property owners and that the maximum number of lots for the remainder of the property would be 40 lots. King said that Hudson is still only requesting 10+ acres to be zoned for a 10-lot subdivision at this time. King said that there would be no private driveway connects to Young Road (only the new road). King said that the homes would be 1,300 sq. ft. or larger and all lots would be sold for owner-occupied homes with individual wells and septic tanks.

Diana Cox, 4113 Young Road, said that she lives adjacent to this subdivision and said that she has no problem with what Hudson is proposing.

Faye Cox, 1211 Grantville Lane, said that she is not opposed to the request.

Mike Cox, 4141 Young Road, said that this issue has turned several people against each other in the community. Cox said that the first residence is a used double-wide mobile home and this has set the pattern for the development to come. Cox said there will not be any stick-built homes in this development. Cox said that he has been told that if this request is approved his property value will be reduced by 15%. Cox said that if you live in the country you should have larger lot sizes than what has been proposed. Cox said that there are three school buses that travel on this road and they have lots of slow farm traffic. Cox said that this development could cause some traffic hazards. Cox said that this is primarily a farming community. Cox reminded the Board of the attack of 9-11 and said that they feel personally attacked by this type of development in their community. Cox said that if you let the dam crack then you better repair it or the water will run in.

Judy Cox, 4336 Young Road, expressed concern of these small lots being located in this rural area. Cox said that a mobile home subdivision is only a glorified mobile home park. Cox said that because of all these developments the school system is being turned into a trailer park. Cox invited the Board to go visit the mobile homes at Eastern Randolph High School. Cox said that Eastern Randolph High School looks like a trailer park. Cox said that all these trailer parks have created the overcrowded problems for the schools. Cox said that they have experienced water problems in the past and this will cause more water problems. Cox said that the County needs to look at rezoning the entire County.

There were 14 people present in opposition to this request.

Johnson explained that this property is located in a secondary growth area where the County expects subdivisions. **Craven** said that the Board should consider if this would establish a housing pattern for this area. Craven said that a few years ago the Board approved several lots at the end of Young Road for site-built homes. Craven said that he agreed with the Technical Review Committee and made the motion to recommend

to the Commissioners that this request be **denied**. **Dorsett** seconded this request and the motion passed unanimously.

- B. **JOHN DEATON**, Sophia, North Carolina, is requesting that 1 acre located on Branson Davis Road, New Market Township, be rezoned from RA to RBO-CU. Parcel ID# 7745480733. Randleman Lake Watershed. The Conditional Use Zoning would specifically allow a cabinet-making shop in a proposed 50' x 100' building. Property Owner: Donald Keith Rich.

*The Technical Review Committee met and found that this proposal was not in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be **denied** as it would have an adverse impact on the surrounding residential community.*

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 3.1 *Industrial development should not be located in areas that would diminish the desirability of existing and planned residential uses, nor should major subdivisions be allowed to encroach upon existing or planned industrial sites without appropriate buffers.*

Policy 6.5 *The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.*

Deaton was present and explained that the property adjoins Roy Hill Racing, and there is also a gas station nearby. Deaton said that all of the adjoining property owners have provided letters of support for this request. Deaton said that he has a son that will start at the New Market Elementary School across the road in the fall. Deaton said that he would have possibly 3 employees in the future. Deaton said that he does custom cabinet work. Deaton said that he only averages two truck deliveries a week. **Johnson** asked Deaton if he had the property perked and Deaton answered no.

Brown asked Deaton if he would have any outside storage. **Deaton** said that he proposes a small accessory building for storage and he would not have any outside storage.

Dorsett asked if Deaton had any plans for buffers, and Deaton said that he would retain all the trees that he could.

Ridge said that his neighbor operates a small cabinet shop and it has very minimal impact on the community.

Lynn Small, 4807 Walker Mill Road, said that he lives near this property. Small said that he opposes the changing of this area from a residential area. Small said that there is a church, school, 25 homes, and a community ballfield in this area. Small said that the only business in the community was “grandfathered” (Roy Hill’s) and the neighbors successfully fought against rezoning his property in 1989. Small said that this business has not been an asset to the community. Small said that it is unwise to allow business development around a school. Small said that this is not a homeowner wanting to operate a cabinet shop at his residence. Small discussed another property owner in the area that supports this rezoning. Small said that she wants to sell her home to Roy Hill for an expansion of his business. Small said that this development would devalue the residential property values in the community. Small said that his family has lived here for over 100 years and he felt the Board should protect this residential community near the school. Small said that he didn’t understand how Hill was able to build the massive racing facility without rezoning the property.

Two people were present in opposition.

Ridge said with proper buffering this type of business would have a very minor impact to the community. **Ridge** said there are businesses in the area.

Johnson said that the Technical Review Committee recommended denial because of the business being proposed in a large commercial building on a small connector road. **Johnson** said that the staff felt this type of building would be more appropriate on Hwy 311.

Dorsett asked how this type of business would have a negative impact on a school. **Johnson** said that there may be possible traffic problems with buses and trucks using this small connector road.

Ridge said that he felt this type of business would have a minor impact on the traffic in the community. **Ridge** said that he didn't feel that this would create a problem. **Dorsett** said that he couldn't see why the Board should disapprove this request. **Craven** said that with the applicant retaining strong buffers, the building would probably not be visible from the road.

Ridge made the motion, seconded by **McLeod**, to recommend to the Commissioners that this request be **approved** with the following conditions:

**building should be placed back as far as possible on the lot

**appropriate buffers should be retained (plan presented at Commissioners' Meeting)

**appropriate landscaping plan

Dorsett said the applicant should have the property perked before the Commissioners' Meeting.

The motion passed unanimously.

- C. **GARLAND FERGUSON**, Staley, North Carolina, is requesting that 14.42 acres (out of 38.82 acres) located on the corner of Old Staley Road/Cox Meadow Road, Columbia Township, be rezoned from RA to CVOE-CU. Parcel ID# 8734011493. The Conditional Use Zoning District would specifically allow the development of a 12-lot residential subdivision for site-built homes only.

*The Technical Review Committee met following the Neighborhood Information Meeting and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be **approved with the following condition:***

Level I buffer on Old Staley Road and Cox Meadow Road.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

- Policy 6.5** *The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.*

Policy 6.13 *Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.*

Ferguson said that he lives in the Staley area and owns businesses in this community. Ferguson said that he has noticed a need for starter homes in his community and is proposing homes approximately 1100 sq. ft. in size. Ferguson said that they would provide financing that would include their down payment and allow the purchasers to begin making monthly payments. Ferguson said that most of the purchasers would be young families. Ferguson said that the complete development would take approximately 2 to 4 years and would have a minimal impact on the school system.

Ridge asked Ferguson if he would be opposed to a buffer along Old Staley Road. **Ferguson** said that he would be opposed to a buffer larger than 15 feet due to the lot sizes. **Ridge** said that he would like to see at least a 25 ft. buffer and **Ferguson** said that he would agree to a buffer of 25 ft.

There was no one present in opposition to this request.

McLeod said that he felt this would be a good idea. McLeod said that this sounds like a site-built home package similar to the mobile home packages sold by mobile home dealers.

Johnson said that the staff could work with Ferguson with a workable buffer between now and the Commissioners' meeting.

McLeod made the motion, seconded by **Dorsett**, to recommend to the Commissioners that this request be **approved** with the condition that the applicant work with the Planning Staff to develop a buffer plan along Old Staley Road. The motion passed unanimously.

- D. **EARNHARDT BUILDERS**, Asheboro, North Carolina, is requesting that 18.50 acres (out of 234.30 acres) located on Fuller Mill Road, Tabernacle Township, be rezoned from RA to CVOE-CU. Lake Reese Watershed. Parcel ID# 6794281484. The Conditional Use Zoning District would specially allow the development of an 18-lot residential subdivision for site-built homes only. Charlie L. & Pauline M. Welborn - Property Owners.

*The Technical Review Committee met following the Neighborhood Information Meeting and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be **approved with the condition of a Level III buffer along the front of the proposed development.***

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.5 *The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.*

Policy 6.13 *Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.*

Michael Pugh, representative for Bobby Earnhart and the property owners, said that the homes being proposed would be approximately 1300 to 1500 sq. ft. stick-built homes. Pugh said that he has received a call from an adjoining neighbor with concerns for the property being developed. Pugh said that development is inevitable but the property buffers will be in place and only stick-built homes would be constructed. Pugh said this

development would increase the property values in the community and increase the safety in the sparsely populated area. Pugh said that this development would have Davidson Water and the septic tanks would be permitted by the local Health Department. Pugh commended the Health Department on their efforts to protect the environment. Pugh said that they would agree to a minimum house size of 1400 sq. ft. of heated space.

Brown asked Pugh what the size of houses were being built across the road in the new development approved last night. **Pugh** said he didn't know. **Johnson** answered 1800 sq. ft. site-built homes.

Eric Black, 6651 Post Road, said that they own the 100+ acre farm on the north side of this property. Black said this is a working farm with livestock and crops. Black said that this is just a start of development for this property. Black said this development would wrap around his farm when completed. Black said this type of development would not have any economic development increase to Randolph County. Black said this is 5 minutes from Thomasville and the shopping and employment for the people in this new development would go out of county. Black discussed the possible traffic dangers that could be created along this road. Black said that the developers come in and make all this money on developments and then the taxpayers are left with the bills for providing schools, emergency services, etc. Black said that the Commissioners should pass an "impact fees/charges" for developers to assist the taxpayers in the cost to provide schools and public services to the new residents instead of the existing taxpayers having the entire burden. Black said he felt the County should require buffers on all subdivisions but it should be larger than 25 feet. Black said that 25 feet is less than the width of this road.

Alvin Myers, who owns property in the area, said that he is opposed to rezoning any land from agricultural to residential for major residential development. Myers talked about the many 100's of acres that they farm in this area.

There were three people present in opposition to this request.

McDowell asked about the development that was approved across the road at last night's Commissioners' Meeting. **Johnson** gave a brief summary of that case.

The Board recognized that this conventional subdivision is proposing lots along the newly proposed road instead of along the existing state road as we have seen in the past.

McDowell said that he knows the area well and he didn't feel this subdivision would be compatible to the area. McDowell said he was concerned this would set a precedence for the area for future development. McDowell said that he felt this would not be compatible to the open-space subdivision approved across the road from this site. **Dorsett** said that after approving the development across the street, this would be shooting ourselves in the foot to approve this request. **McDowell** said that the Development Impact Analysis shows that the average lot size in this area is 5+ acres and the average house size is 1700+ sq. ft. McDowell said that this request is proposing 1 acre lots with 1300 sq. ft. homes. McDowell said he was not convinced that this would be the best plan for the area.

Dorsett made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be denied. The motion passed unanimously.

7. **Johnson** introduced the new code enforcement officer, Eric Martin, to the Planning Board
8. The meeting adjourned at 9:08 p.m. There were 47 people present for this meeting.

